

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF Case

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ADRIAN HUFF, as Chairman of the Board of Trustees  
of TEAMSTERS LOCAL 445 CONSTRUCTION  
DIVISION PENSION FUND,

Civil Action No. 07 Civ. 7083  
(CLB)(LMS)

Plaintiff,

- against -

**NOTICE OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

RODAR ENTERPRISES, INC.,

Defendant.  
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**PLEASE TAKE NOTICE**, that upon the attached Affidavit of William D. Frumkin, Esq., with exhibits thereto, Plaintiff's Memorandum of Law, and the pleadings and proceedings in this action, Plaintiff will move before the Hon. Charles L. Brieant, United States District Judge, in the United States Courthouse, Courtroom 218, located at 300 Quarropas St., White Plains, New York 10601, on January 4, 2008 at 9:00 AM, for summary judgment granting the Complaint in its entirety and granting such other relief as the Court deems just, proper, and equitable.

Dated: White Plains, New York  
December 14, 2007

Respectfully submitted,  
**SAPIR & FRUMKIN LLP**

By: /s/ William D. Frumkin  
William D. Frumkin (WF2173)  
Attorneys for Plaintiff  
399 Knollwood Road, Suite 310  
White Plains, New York 10603  
(914) 328-0366

**CERTIFICATE OF SERVICE**

I hereby certify that I am not a party to this action and am over 18 years of age. I further certify that on December 14, 2007, a copy of Notice of Plaintiff's Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including:

Edmund V. Caplicki, Jr., Esq.  
Law Offices of Edmund V. Caplicki, Jr.  
P.O. Box 15  
LaGrangeville, New York 12540

Parties may access this filing through the Court's electronic filing system

/s/ Rachel L. Horton

Rachel L. Horton